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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14

15 CITY OF LOS ANGELES,

16 Plaintiff,

17 v.

18 WILLIAM P. BARR, Attorney
19 General of the United States, *et al.*,

20 Defendants.
21

No. 2:18-cv-07347-JS-JC

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

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23 On May 7, 2020, Plaintiff filed a notice of supplemental authority, ECF No.
24 103, regarding *City of Chicago v. William P. Barr, et al.*, Nos. 18-2885 & 19-3290,
25 2020 WL 2078395 (7th Cir. Apr. 30, 2020). In response to Plaintiff's notice,
26 Defendants state as follows:
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1 *City of Chicago* involved conditions on formula grants made through the
 2 Edward Byrne Memorial Justice Assistance Grant Program (“Byrne JAG
 3 Program”). *See* ECF No. 103 at 1. As Defendants have explained, the statutory
 4 framework of the Byrne JAG formula grant program is fundamentally different
 5 from that of the Gang Suppression Planning Grant at issue in this case, which is a
 6 discretionary grant program that results from (and is authorized under) a line-item,
 7 lump-sum congressional appropriation. *See* Defs.’ Response to Pl.’s Notice of
 8 Suppl. Authority at 2, ECF No. 99; Def.’s Mot. for Partial Summ. J. at 4, 8–9, ECF
 9 No. 88. Indeed, the Seventh Circuit repeatedly relied on the formula-grant nature
 10 of the Byrne JAG program in finding the challenged conditions *ultra vires*,
 11 contrasting formula grants with discretionary grants. *See, e.g.*, 2020 WL 2078395,
 12 at *15 (describing the Attorney General’s asserted authority to impose the
 13 challenged conditions as “fundamentally inconsistent with the nature of the Byrne
 14 JAG grant as a formula grant, located in a separate section of the Act than the
 15 discretionary grants”). Accordingly, nothing in *City of Chicago* casts doubt on
 16 Defendants’ leading argument here—i.e., that the challenged conditions in the Gang
 17 Suppression grant program are authorized by an appropriations act, Pub. L. No.
 18 115-141, 132 Stat. 348, 422-23.

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 20 Dated: May 22, 2020

Respectfully submitted,

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/s/ Joseph J. DeMott

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